G. R. S. App. F. IX-4]

1942-

File No. 184-42

Previous References. (165)

Serial Nos. 1-2

Later References.

GEN. & REV. SECRETARIAT

Serial Nos. 2

Part B for January 43

SUBJECT.

Substitution of a para for the last Sentence of para 440 of Civil Rules of Practice Volume I (1936 Edition)

G.O.No. P. 4799 dated 8th January 1943.

To.

The Registrar,
High Court of Mysore.

Sanctions the

OFFICE OF THE MINISTER FOR LAW
JAN 5 1943
No. 5907.

From
The Registrar High Court
Roc No 667 Dy 3. 12. 1942

Requests Sanction to ~~the~~ substitute a para for the last Sentence of para 440 of Civil Rules of Practice Vol I (1937 Edition)

A Statement embodying the existing and the proposed rule on the subject is placed below for perusal

A draft of a G.O. sanctioning is also laid herewith for approval or other orders

May be Sanctioned
Law Secretary 3/1/43

May be Sanctioned
Chief 2-1-43
3/1/43

Under Secy Law
Through
Chief Secy
5.1.43
JWJ 5/1

Chief 5-1-43
JWJ 5/1

Chief 6-1-43
Issue
JWJ 6/1

G.O.
No. P. 479 dated 8.1.43 to the Regr. H.C. Sanctioning the recommendation contained in Sl. 1.

SECY. LAW DEPT. 1919 GOVT OF MYSORE
U.J. No. F. 2576 4. 43-44 T3-3

US 184-42-1 3844/42

R. O. C. D. Dis. No. 667 42-43.

Encl: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 3 December, *194* 2

FROM

N. SAMAIENGAR, Esq., B.A., LL.B.,
~~T. SHAMIENGAR, Esq., B.A., B.L.,~~
Registrar, High Court of Mysore.

To

C. NARAYANASWAMY NAIDU, Esq., B.A., B.L.,
Secretary to Government,
Law Department,
BANGALORE.

SECY. LAW DEPT.

GENL & REV. SECRETARIAT 4 - DEC. 1942 PROTECTED

Sir,

I am directed to state that at present there is no provision in the Civil Rules of Practice and Circular Orders for the refund of the value of the process stamps deposited by mistake by parties to a suit or proceeding after it has been disposed of as may sometimes happen, though paragraph 440 of the Civil Rules of Practice and Circular Orders (Vol.I) provides for the refund of the value of the process stamps deposited by mistake in a wrong suit or proceeding.

The Judges of the High Court are of opinion that refund in the former case also should be made; and in order to provide for that they propose that for the last sentence of paragraph 440, printed at page 128 of the Civil Rules of Practice and Circular Orders, Vol I, the sentence set out in the enclosure to this letter be substituted by amendment.

I am to request that the Government may be pleased to accord sanction to the proposed amendment under Section 130 of the Code of Civil Procedure.

I have the honour to be,

Sir,

Your most obedient servant,

N. Samaiengar

REGISTRAR.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Civil Side

Under Section 130 of the Code of Civil Procedure (and with the previous sanction of the Government) the High Court hereby directs that the following be substituted for the last sentence of paragraph 440, printed at page 128 of the Civil Rules of Practice and Circular Orders, Volume I (1936 Edition), and added by Addendum dated 5th January 1933 to Rule of Practice No.89, dated 15th December 1896:-

...

> If process stamps are deposited in a suit or other proceeding after it has been disposed of or are deposited by mistake in a wrong suit or proceeding, they shall be retained for 3 months from the date of the deposit, unless an application is received from the depositor for the refund of their value, and after that time they shall be destroyed as directed in the previous sentence.

REGISTRAR

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *194*

Date of issue .. .. 2/1/..... .....1943.

Signed by ..... Sec. to P.P.

Section C5

File No. 184-42

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter No Roc 667/42-43 Dt 3-12-1942 from the Registrar High Court Of Mysore stating that at present there is no provision in the Civil Rules of practice and Circular orders for the refund Of the value ~~Order thereon—No~~ of the process Stamps deposited by mistake by parties to a suit or proceeding after it has been disposed Of and that the Judges Of the High Court are Of opinion that refund in the above case should be made and ~~accordingly~~

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

~~extending~~ purpose and in order to provide for that they propose that for the last sentence of paragraph 440, printed at page 128 of the Civil Rules of Practice and Circular Orders, Vol I, the sentence set out in the appended Statement may be substituted and requesting sanction thereto.

Order P4797 Dy 8-1-43

The proposal of the High Court is sanctioned

CMS
2-1-43

Secretary to Govt
Law Dept

To
The Registrar High Court

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

R e a d :-

Letter No. R.O.C. 667/42-43, dated 3rd December 1942, from the Registrar, High Court of Mysore, stating that at present there is no provision in the Civil Rules Practice and Circular Orders for the refund of the value of the process stamps deposited by mistakes by parties to a suit or proceeding after it has been disposed of and that the Judges of the High Court are of opinion that refund in the above case should be made and in order to provide for that, they propose that for the last sentence of paragraph 440, printed at page 128 of the Civil Rules of Practice and Circular Orders, Volume I, the sentence set out in the appended statement may be substituted and requesting sanction thereto.

Encl.

O R D E R No. P. 4797 Ch 184-42-2

Dated, Bangalore, the 8th January 1943.

The proposal of the High Court is sanctioned.

for Secretary to Government,
Law Department.

To - The Registrar, High Court of Mysore.

khhc/3.

If process stamps are deposited in a suit or other proceeding after it has been disposed of or are deposited by mistake in a wrong suit or proceeding, they shall be retained for 3 months from the date of the deposit, unless an application is received from the depositor for the refund of their value, and after that time they shall be destroyed as directed in the previous sentence.

For Secretary of Govt
Law dept